

2005

STATE OF NEBRASKA

**STATUTES RELATING TO
CERTIFIED REGISTERED NURSE ANESTHETIST ACT**

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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STATUTES PERTAINING TO THE CERTIFIED REGISTERED NURSE ANESTHETIST ACT

71-1728. Act, how cited. This section and sections 71-1729 to 71-1737 shall be known and may be cited as the Certified Registered Nurse Anesthetist Act.

Source: Laws 2005, LB 256, §73. Operative date July 1, 2007.

71-1729. Terms, defined. (Effective until July 1, 2007) For purposes of sections 71-1729 to 71-1737, unless the context otherwise requires:

(1) Certified registered nurse anesthetist or nurse practitioner-anesthetist means a currently licensed registered nurse holding a current certificate as a nurse practitioner in the specific expanded role of the practice of anesthesia;

(2) Licensed practitioner means any physician or osteopathic physician licensed to prescribe, diagnose, and treat as prescribed in sections 71-1,102 and 71-1,137; and

(3) Practice of anesthesia means (a) the performance of or the assistance in any act involving the determination, preparation, administration, or monitoring of any drug used to render an individual insensible to pain for procedures requiring the presence of persons educated in the administration of anesthetics or (b) the performance of any act commonly the responsibility of educated anesthesia personnel. Practice of anesthesia includes the use of those techniques which are deemed necessary for adequacy in performance of anesthesia administration. Nothing in sections 71-1729 to 71-1737 shall be intended to prohibit routine administration of a drug by a duly licensed registered nurse, licensed practical nurse, or other duly authorized person for the alleviation of pain or intended to prohibit the practice of anesthesia by students enrolled in an accredited school of nurse anesthesia when the services performed are a part of the course of study and are under the supervision of a licensed practitioner or nurse practitioner-anesthetist.

71-1729. Terms, defined. (Effective on July 1, 2007) For purposes of the Certified Registered Nurse Anesthetist Act, unless the context otherwise requires:

(1) Board means the Board of Advanced Practice Registered Nurses;

(2) Certified registered nurse anesthetist means a licensed registered nurse holding a certificate issued under the act;

(3) Department means the Department of Health and Human Services Regulation and Licensure;

(4) Licensed practitioner means any physician or osteopathic physician licensed to prescribe, diagnose, and treat as prescribed in sections 71-1,102 and 71-1,137; and

(5) Practice of anesthesia means (a) the performance of or the assistance in any act involving the determination, preparation, administration, or monitoring of any drug used to render an individual insensible to pain for procedures requiring the presence of persons educated in the administration of anesthetics or (b) the performance of any act commonly the responsibility of educated anesthesia personnel. Practice of anesthesia includes the use of those techniques which are deemed necessary for adequacy in performance of anesthesia administration. Nothing in the Certified Registered Nurse Anesthetist Act prohibits routine administration of a drug by a duly licensed registered nurse, licensed practical nurse, or other duly authorized person for the alleviation of pain or prohibits the practice of anesthesia by students enrolled in an accredited school of nurse anesthesia when the services performed are a part of the course of study and are under the supervision of a licensed practitioner or certified registered nurse anesthetist.

Source: Laws 1981, LB 379, §26; Laws 1992, LB 1019, §73; Laws 2002, LB 1062, §47; Laws 2005, LB 256, §74. Operative date July 1, 2007.

71-1730. Certified registered nurse anesthetist; certification; requirements. (Effective until July 1, 2007) In order to obtain a certificate from the department as a certified registered nurse anesthetist an applicant shall:

(1) Hold a license as a registered nurse in the State of Nebraska;

(2) Submit a completed application verified by oath which includes the applicant's social security number;

(3) Pay the required fee established and collected as provided in section 71-162;

(4) Submit evidence of successful completion of a course of study in anesthesia in a school of nurse anesthesia accredited or approved by or under the auspices of the department or the Council on Accreditation of Nurse Anesthesia and Educational Programs; and

(5) Take and successfully pass a certifying examination approved by the department after prior approval of such examination by the Board of Nursing and Board of Medicine and Surgery. Such examination may include (a) the National Qualifying Examination for Certified Registered Nurse Anesthetists or (b) any other approved recognized national qualifying examination for nurse anesthetists.

If more than five years have elapsed since the applicant completed the nurse anesthetist program or since the applicant has practiced as a nurse anesthetist, he or she shall meet the requirements of subdivisions (1) through (5) of this section and shall provide evidence of continuing competency as determined by the Board of Nursing and Board of Medicine and Surgery,

including, but not limited to, a reentry program, supervised practice, examination, or one or more of the continuing competency activities listed in section 71-161.09.

71-1730. Certified registered nurse anesthetist; certification; requirements. *(Effective on July 1, 2007)* In order to obtain a certificate from the department as a certified registered nurse anesthetist an applicant shall:

- (1) Hold a license as a registered nurse in the State of Nebraska or have the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska;
- (2) Submit a completed application verified by oath which includes the applicant's social security number;
- (3) Pay the required fee established and collected as provided in section 71-162;
- (4) Submit evidence of successful completion of a course of study in anesthesia in a school of nurse anesthesia accredited or approved by or under the auspices of the department or the Council on Accreditation of Nurse Anesthesia and Educational Programs; and
- (5) Take and successfully pass a certifying examination approved by the department after prior approval of such examination by the board. Such examination may include (a) the National Qualifying Examination for Certified Registered Nurse Anesthetists or (b) any other approved recognized national qualifying examination for nurse anesthetists.

If more than five years have elapsed since the applicant completed the nurse anesthetist program or since the applicant has practiced as a nurse anesthetist, he or she shall meet the requirements of subdivisions (1) through (5) of this section and shall provide evidence of continuing competency as determined by the board, including, but not limited to, a reentry program, supervised practice, examination, or one or more of the continuing competency activities listed in section 71-161.09.

Source: Laws 1981, LB 379, §27; Laws 1984, LB 724, §29; Laws 1992, LB 1019, §74; Laws 1996, LB 414, §44; Laws 1997, LB 752, §174; Laws 1999, LB 828, §155; Laws 2002, LB 1021, §61; Laws 2003, LB 242, §105; Laws 2005, LB 256, §78. Operative date July 1, 2007.

71-1731. Certified registered nurse anesthetist; temporary certification; permit. *(Effective until July 1, 2007)* The department, with the prior approval of the Board of Nursing and Board of Medicine and Surgery, may grant a temporary certification in the practice of anesthesia for a period of not to exceed one year and under such conditions as the boards with the approval of the department determine for graduates of an accredited school of nurse anesthesia. The permit may be issued upon application by the graduate for the first certifying examination following his or her graduation and shall be valid pending the results of such examination. Temporary certification may also be granted for a period not to exceed one year to registered nurse anesthetists currently licensed in another state pending completion of the application for Nebraska certification. A temporary permit issued pursuant to this section may be extended at the discretion of the boards with the approval of the department.

71-1731. Certified registered nurse anesthetist; temporary certification; permit. *(Effective on July 1, 2007)* The department, with the prior approval of the board, may grant a temporary certification in the practice of anesthesia for a period of not to exceed one year and under such conditions as the board with the approval of the department determines for graduates of an accredited school of nurse anesthesia. The permit may be issued upon application by the graduate for the first certifying examination following his or her graduation and shall be valid pending the results of such examination. Temporary certification may also be granted for a period not to exceed one year to registered nurse anesthetists currently licensed in another state pending completion of the application for Nebraska certification. A temporary permit issued pursuant to this section may be extended at the discretion of the board with the approval of the department.

Source: Laws 1981, LB 379, §28; Laws 1984, LB 724, §30; Laws 1992, LB 1019, §75; Laws 1996, LB 414, §45; Laws 1999, LB 828, §156; Laws 2005, LB 256, §79. Operative date July 1, 2007.

71-1732 and 71-1733. Repealed. Laws 1992, LB 1019, §129.

71-1734. Nurse practitioner-anesthetist; performance of duties. (1) The determination and administration of total anesthesia care shall be performed by the certified registered nurse anesthetist or a nurse anesthetist temporarily certified pursuant to section 71-1731 in consultation and collaboration with and with the consent of the licensed practitioner.

(2) The following duties and functions shall be considered as specific expanded role functions of the certified registered nurse anesthetist:

- (a) Preanesthesia evaluation including physiological studies to determine proper anesthetic management and obtaining informed consent;
- (b) Selection and application of appropriate monitoring devices;
- (c) Selection and administration of anesthetic techniques;
- (d) Evaluation and direction of proper postanesthesia management and dismissal from postanesthesia care; and
- (e) Evaluation and recording of postanesthesia course of patients.

(3) The determination of other duties that are normally considered medically delegated duties to the certified registered nurse anesthetist or to a nurse anesthetist temporarily certified pursuant to section 71-1731 shall be the joint responsibility of the governing board of the hospital, medical staff, and nurse anesthetist personnel of any duly licensed hospital or, if in an office or clinic, the joint responsibility of the duly licensed practitioner and nurse anesthetist. All such duties, except in cases of emergency, shall be in writing in the form prescribed by hospital or office policy.

Source: Laws 1981, LB 379, §31; Laws 1992, LB 1019, §76. Operative date July 15, 1992.

71-1735. Certified registered nurse anesthetist; certificate; renewal. (Effective until July 1, 2007) (1)

The procedure for biennial certification renewal as a certified registered nurse anesthetist shall be at the same time and in the same manner as renewal of a license as a registered nurse and shall require:

(a) A license as a registered nurse in the State of Nebraska;

(b) Documentation of continuing competency as required by the Board of Nursing and the Board of Medicine and Surgery in rules and regulations approved by the boards and adopted and promulgated by the department. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a person may select as an alternative to continuing education; and

(c) Payment of the required fee established and collected as provided in section 71-162.

(2) Violations of the Advanced Practice Registered Nurse Act shall be dealt with in the manner prescribed in sections 71-1725, 71-1726, and 71-1737.

71-1735. Certified registered nurse anesthetist; certificate; renewal. (Effective on July 1, 2007) The

procedure for biennial certification renewal as a certified registered nurse anesthetist shall be at the same time and in the same manner as renewal of a license as a registered nurse and shall require:

(1) A license as a registered nurse in the State of Nebraska or the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska;

(2) Documentation of continuing competency as required by the board in rules and regulations approved by the board and adopted and promulgated by the department. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a person may select as an alternative to continuing education; and

(3) Payment of the required fee established and collected as provided in section 71-162.

Source: Laws 1981, LB 379, §32; Laws 1993, LB 536, §73; Laws 1995, LB 563, §42; Laws 1996, LB 414, §46; Laws 1999, LB 828, §157; Laws 2000, LB 1115, §61; Laws 2002, LB 1021, §62; Laws 2003, LB 242, §106; Laws 2005, LB 256, §80. Operative date July 1, 2007.

71-1736. Advisory council; members; appointment; terms; duties. (1) The Board of Nursing and Board of Medicine and Surgery shall appoint three certified registered nurse anesthetists which may be from a list furnished by the Nebraska Association of Nurse Anesthetists to an advisory council. The first appointments shall be one certified registered nurse anesthetist for a one-year term, one certified registered nurse anesthetist for a two-year term, and one certified registered nurse anesthetist for a three-year term. Thereafter, one certified registered nurse anesthetist shall be appointed each year for a three-year term. The boards shall also appoint one nonvoting board-certified anesthesiologist each two years for a term of two years, which appointment may be from a list of names submitted by the Nebraska Society of Anesthesiologists.

(2) The advisory council shall:

(a) Act as consultant in matters pertaining to nurse anesthesia education and the scope of nurse anesthesia practice;

(b) Function as a resource in matters pertaining to grievances or arbitration;

(c) Act as a resource body in matters pertaining to disciplinary action; and

(d) Review certification requirements.

Source: Laws 1981, LB 379, §33; Laws 1984, LB 724, §31; Laws 1996, LB 414, §47; Laws 1999, LB 828, §158.

71-1736. Repealed. Laws 2005, LB 256, §103. (Operative Date July 1, 2007.)

71-1736.01. Disciplinary actions; grounds; procedure; appeal. A certificate issued under the Certified Registered Nurse Anesthetist Act may be denied, refused renewal, revoked, suspended, or disciplined in any other manner for any violation of the act, for physical or mental disability or incapacity, for gross incompetence, or for any reason for which a license issued under the Nurse Practice Act or the Advanced Practice Registered Nurse Licensure Act may be denied, refused renewal, revoked, suspended, or disciplined. The methods and procedures provided in the Nurse Practice Act for opportunity for hearing, notice of hearing, presentation of evidence, conduct of a hearing, reinstatement, and related matters shall apply to disciplinary actions under this section. A decision to deny, refuse renewal of, revoke, suspend, or discipline a certificate as a

certified registered nurse anesthetist may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 2005, LB 256, §75. Operative date July 1, 2007.

71-1736.02. Lapse of certificate; conditions; effect; restoration. (1) A certified registered nurse anesthetist's certificate lapses if he or she (a) does not have a license to practice as a registered nurse or an advanced practice registered nurse or has had such license denied, refused renewal, suspended, or revoked or (b) renews his or her license to practice as a registered nurse or an advanced practice registered nurse but does not renew his or her certified registered nurse anesthetist's certificate.

(2) When a certified registered nurse anesthetist's certificate lapses, the right of the person whose certificate has lapsed to represent himself or herself as a certified registered nurse anesthetist and to practice the activities for which a certificate is required terminates. To restore the certificate to active status, the person shall meet the requirements for renewal which are in effect at the time that he or she wishes to restore the certificate and shall pay the renewal fee and the late fee established and collected as provided in section 71-162.

Source: Laws 2005, LB 256, §76. Operative date July 1, 2007.

71-1736.03. Practice without certificate; effect on other license. Any person practicing as a certified registered nurse anesthetist who does not hold a certificate as such issued by the department and who possesses a license to engage in any health profession for which a license is issued by the department may have such license denied, refused renewal, suspended, or revoked or have other disciplinary action taken against such license by the department pursuant to the provisions of the Nurse Practice Act or the Uniform Licensing Law relating to such profession, irrespective of any criminal proceedings for practicing without a certificate.

Source: Laws 2005, LB 256, §77. Operative date July 1, 2007.

71-1737. Prohibited activities; penalty. (Effective until July 1, 2007) Notwithstanding the provisions of any other statute, any person, corporation, association, or other entity who engages in any of the following activities shall be guilty of a Class IV felony:

(1) Engaging in the practice of anesthesia as a certified registered nurse anesthetist without being issued a certificate as such by the department, with the approval of the Board of Nursing and the Board of Medicine and Surgery;

(2) Knowingly employing or offering to employ any person as a certified registered nurse anesthetist when knowing that such person is not certified as such by the department with the approval of the boards;

(3) Fraudulently seeking, obtaining, or furnishing a certificate as a certified registered nurse anesthetist or aiding and abetting such activities; or

(4) Using in connection with his or her name the title certified registered nurse anesthetist, the abbreviation C.R.N.A., or any other designation tending to imply that he or she is a certified registered nurse anesthetist, certified by the department with the approval of the boards pursuant to sections 71-1729 to 71-1737, when such person is not actually a certified registered nurse anesthetist.

71-1737. Prohibited activities; penalty. (Effective on July 1, 2007) Notwithstanding the provisions of any other statute, any person, corporation, association, or other entity who engages in any of the following activities shall be guilty of a Class IV felony:

(1) Engaging in the practice of anesthesia as a certified registered nurse anesthetist without being issued a certificate as such by the department, with the approval of the board;

(2) Knowingly employing or offering to employ any person as a certified registered nurse anesthetist when knowing that such person is not certified as such by the department with the approval of the board;

(3) Fraudulently seeking, obtaining, or furnishing a certificate as a certified registered nurse anesthetist or aiding and abetting such activities; or

(4) Using in connection with his or her name the title certified registered nurse anesthetist, the abbreviation C.R.N.A., or any other designation tending to imply that he or she is a certified registered nurse anesthetist, certified by the department with the approval of the board pursuant to the Certified Registered Nurse Anesthetist Act, when such person is not actually a certified registered nurse anesthetist.

Source: Laws 1981, LB 379, §34; Laws 1996, LB 414, §48; Laws 1996, LB 1044, §575; Laws 1999, LB 828, §159; Laws 2005, LB 256, §81. Operative date July 1, 2007.